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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

February 13, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

KAUAI

Issuance of Right-of-Entry Permit to the State of Hawaii, Department of Transportation, Highways Division for Archaeological, Geotechnical and Test Boring Purposes on Lands Encumbered by Revocable Permit No. S-7444 to Coco Palms Ventures LLC, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-03-17

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailua, as being Parcel C of the "Wailua Coconut Grove", revised March 1978, identified as Tax Map Key: (4) 4-1-03:17; as shown on the attached map labeled Exhibit A

AREA:

0.855 acre, more or less.

ZONING:

State Land Use District:      Urban  
County of Kauai CZO:        Open

LAND TITLE STATUS:

Section 5(B) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_\_ NO x\_\_

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to DOT Highways Division

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7444, Coco Palms Ventures LLC, Permittee, for parking purposes.

CHARACTER OF USE:

Archeological, geotechnical and test boring.

TERM OF RIGHT-OF-ENTRY:

Effective upon Land Board approval for a period of 6 months

CONSIDERATION:

Gratis.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that States "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VARIFICATION:

Not Applicable. Application is a government agency.

APPLICATION REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject land.

REMARKS:

Department of Transportation, Highways Division, is requesting a right-of-entry to conduct archeological, geotechnical and test boring surveys within Tax Map Key: (4) 4-1-03-17. The Kuhio Highway Widening Project has been identified as one of DOT's top priority projects and

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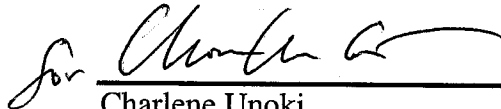
is on a tight schedule. This project calls for the undergrounding of overhead utility facilities fronting the Coco Palms property and Wailua River to the Lydgate Substation.

RECOMMENDATION:

That the Board, subject to the Application fulfilling the Application Requirements above, authorize the issuance of a right-of-entry permit to State of Hawaii, Department of Transportation, Highways Division covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

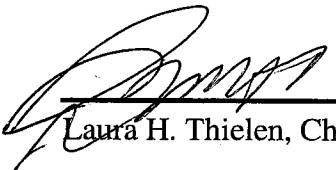

1. The Standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the Chairperson to extend the right-of-entry and all terms and conditions to remain the same.

Respectfully Submitted,

  
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Charlene Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:

  
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Laura H. Thielen, Chairperson